IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 22819 of 2004

Between:

M.Kuppabai W/o.Mohana Murali
Sullurpet, Nellore Dist.

..... PETITIONER

AND

1 The Dist Collector
Nellore Dist.
2 The Mandal Revenue Officer
Sullurpet, Nellore Dist.

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ particularly one in the nature of Writ of Mandamus, to declare the proceedings of the Mandal Revenue officer, Sullurpet, Nellore Dist in Rc.A.767/2004, dt 26-11-2004 is illegal and without jurisdiction and same may be set aside, and pass such other order or orders.

Counsel for the Petitioner: MR.P.KRISHNA REDDY

Counsel for the Respondents.: GP FOR REVENUE

The Court made the following :

ORAL ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Revenue.

The petitioner is aggrieved by the show cause notice dated 26.11.2004 issued by the 2nd respondent – Mandal Revenue Officer under the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977.

By the impugned orders, the petitioner was asked to show cause within 15 days as to why he should not be summarily evicted from the schedule land/building/constructions created or any thing deposited thereon should not be forfeited. A reading of the impugned order makes it clear that it is only a show-cause notice and without submitting his explanation, the petitioner has approached this Court. Therefore it is not proper for this Court to entertain this writ petition or give any finding at this stage.

In the circumstances, without going into the merits of the case, the writ petition is disposed of directing the petitioner to submit his explanation to the show cause notice and the respondents are directed to consider the same and pass appropriate orders in accordance with law. Till then, the petitioner shall not be dispossessed from the land in question.

No costs.

_____

N.V.RAMANA,J

Dt.9.12.2004

Note: Issue CC by tomorrow

(B/o)

msv.

To

1 The Dist Collector
Nellore Dist.
2 The Mandal Revenue Officer
Sullurpet, Nellore Dist.

3. 2 CCs to GP for Revenue, High Court of A.P. Hyd.(OUT)

4. 2 CD copies.